PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

| Applicant's or agent's file reference | Т | | | | | | | |
|---|--|---|--|--|--|--|--|--|
| 04.0635.6.1ö | FOR FURTHER ACTION | See Form PCT/IPEA/416 | | | | | | |
| International application No. | International filing date (day/month/year) | Priority date (day/month/year) | | | | | | |
| PCT/EP2004/004932 | 08.05.2004 | 02.06.2003 | | | | | | |
| | International Patent Classification (IPC) or national classification and IPC | | | | | | | |
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| Applicant | | | | | | | | |
| BLÜCHER GMBH | | | | | | | | |
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| | This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. | | | | | | | |
| 2. This REPORT consists of a total of | A | | | | | | | |
| 3. This report is also accompanied by A | ANNEXES, comprising: | | | | | | | |
| a. (sent to the applicant and | d to the International Bureau) a total of5 | sheets, as follows: | | | | | | |
| sheets of the descri | ption, claims and/or drawings which have be | cen amended and are the basis for this report and/or | | | | | | |
| sheets containing real Instructions). | ecurrications authorized by this Authority (se | e Rule 70.16 and Section 607 of the Administrative | | | | | | |
| | sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental | | | | | | | |
| | Puragu anhala tatal af Carlinger | imbar of electronic coming " | | | | | | |
| b. (sent to the International | l Bureau only) a total of (indicate type and nu | nuiver of electronic carrier(s)) | | | | | | |
| valeted thereto in committee | r readable form only as indicated in the Su | , containing a sequence listing and/or tables applemental Box Relating to Sequence Listing (see | | | | | | |
| Section 802 of the Adminis | - | | | | | | | |
| 4. This report contains indications relat | ting to the following items: | | | | | | | |
| Box No. I Basis of th | Box No. I Basis of the report | | | | | | | |
| Box No. II Priority | | | | | | | | |
| Box No. III Non-estable | lishment of opinion with regard to novelty, in | nventive step and industrial applicability | | | | | | |
| Box No. IV Lack of un | nity of invention | | | | | | | |
| Box No. V Reasoned | | | | | | | | |
| Box No. VI Certain do | cuments cited | | | | | | | |
| Box No. VII Certain de | Box No. VII Certain defects in the international application | | | | | | | |
| Box No. VIII Certain ob | servations on the international application | | | | | | | |
| Date of submission of the demand Date of completion of this report | | | | | | | | |
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| Name and mailing address of the IPEA/EP | Authorized officer | | | | | | | |
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| Facsimile No. | Telephone No. | | | | | | | |

Translation

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/004932

| Box | No. I | Basis of the report | | |
|-----|-------------|---|---|---|
| 1. | | regard to the language, this report is based on the internation ated under this item. | nal application in the language in | which it was filed, unless otherwise |
| 2. | recei | This report is based on translations from the original language which is the language of a translation furnished for the purposition international search (Rule 12.3 and 23.1(b)) publication of the international application (Rule 12.4) international preliminary examination (Rule 55.2 and/on regard to the elements of the international application, this tiving Office in response to an invitation under Article 14 are report): the international application as originally filed/furnished | or 55.3) report is based on (replacement s | sheets which have been furnished to the |
| | \boxtimes | the description: | | |
| | | pages 1-11 | | as originally filed/furnished |
| | | pages* | received by this Authority on | |
| | | pages* | received by this Authority on | |
| | \boxtimes | the claims: | | |
| | | nos. 21 | | as originally filed/furnished |
| | | nos.* | | |
| | | nos.* _1-20 | | 22.03.2005 with letter |
| | | | | 01 21.03.2003 |
| | \square | | received by this Addiointy on | |
| | | the drawings: | | |
| | | | | as originally filed/furnished |
| | | sheets* | | |
| | | sheets* | received by this Authority on | |
| | \sqcup | a sequence listing and/or any related table(s) - see Supplem | ental Box Relating to Sequence L | isting. |
| 3. | Ш | The amendments have resulted in the cancellation of: | | |
| | | the description, pages | | |
| | | the claims, nos. | | |
| | | the drawings, sheets/figs | | |
| | | the sequence listing (specify): | | |
| | | any table(s) related to sequence listing (specify): | ···· | |
| 4. | | This report has been established as if (some of) the amend they have been considered to go beyond the disclosure as file. | | |
| | | the description, pages | | |
| | | the claims, nos. | | |
| | | the drawings, sheets/figs | | |
| | | the sequence listing (specify): | | |
| | | any table(s) related to sequence listing (specify): | | |
| * | If ite | em 4 applies, some or all of those sheets may be marked "sup | erseded." | |

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International application No.
PCT/EP2004/004932

| Statement | | | |
|-------------------------------|---|---|-----------------------|
| Novelty (N) | Claims | 1-20 | YES |
| | Claims | | _ NO |
| Inventive step (IS) | Claims | 1-20 | _ YES |
| | Claims | | _ NO |
| Industrial applicability (IA) | Claims | 1-20 | _ YES |
| | Claims | | _ NO |
| | Statement Novelty (N) Inventive step (IS) | Statement Novelty (N) Claims Claims Inventive step (IS) Claims Claims Claims Claims Claims Claims | Statement Statement |

2. Citations and explanations (Rule 70.7)

Reference is made to document GB 2 078 491 (D1).

Document D1, which is considered the closest prior art, discloses (see figures 1 and 2) a hood (2), in particular for a garment (1), preferably for protective and/or military purposes, such as an NBC protection suit or such like, wherein the hood (2) has a peripheral elastic seam (5a) for forming a visual field opening (17), wherein the visual field opening (17) is designed to receive a breathing mask (page 1, right-hand column, lines 65-70) and the seam (5a) lies against the breathing mask when it is in use, from which the subject matter of claim 1 differs in that the on the side of the seam facing the visual field opening a plurality of peripheral sealing elements in the form of elastomeric fibres is disposed, which are permanently joined to the seam and ensure that the breathing mask contacts the seam in a sealing manner.

Consequently, the subject matter of claim 1 is novel (PCT Article 33(2)).

The problem to be solved by the present invention is therefore understood to be that of ensuring that the

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

transition between the hood and the breathing mask is sealed at least to a large extent.

The solution to this problem, as proposed in claim 1 of the present application, involves an inventive step (PCT Article 33(3)), for the following reasons: to a person skilled in art, the subject matter of claim 1 is not obvious from the prior art, since none of the available documents discloses the sealing elements in the shape of elastomeric fibres.

The same applies to the garments according to the invention (claim 16) and the use according to the invention of the elastic seam having a plurality of peripheral sealing elements in the shape of elastomeric fibres (claim 18).

Claims 2-15, 17 and 19-20 are dependent on claims 1, 16 and 18, respectively, and therefore likewise meet the PCT requirements for novelty and inventive step.